

AUG - 4 2005

For The Northern Mariana Islands
~~BY~~
(Deputy Clerk)

**TRIAL MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

CR-04-00038

August 4, 2005
9:00 a.m.

UNITED STATES OF AMERICA -v- ERIC JOHN TUDELA MAFNAS, et., al.

PRESENT: Hon. A. Wallace Tashima, Senior Circuit Judge
Sanae Shmull, Court Reporter
Michelle C. Macaranas, Courtroom Deputy
Timothy Moran, Assistant U. S. Attorney
Jamie Bowers, Assistant U.S. Attorney
Stephanie Flores, Attorney for Defendant Mafnas
Victorino Torres, Attorney for Defendant Mafnas
Perry Inos, Attorney for Defendant Patris
Eric John Tudela Mafnas, Defendant
Charley K. Patris, Defendant

PROCEEDINGS: JURY TRIAL - Day Three

Government by Timothy Moran and Jamie Bowers, AUSAs. Attorney Stephanie Flores and Victorino Torres was present on behalf and with defendant, Eric John Tudela Mafnas. Attorney Perry Inos was present on behalf and with defendant, Charley K. Patris. Also present was Joe Arther, Special Agent FBI.

Outside the presence of the jurors the Court proceeded with issues regarding conditions of pretrial release with regards to the suspension of electronic monitoring. Government opposes defendant's motion. Court ordered that the commencement of the home confinement curfew for the days trial is in session is 8:00 pm but the Order still remains that the defendants are granted more time that each counsel deems reasonable to meet and that counsels call the U. S. Probation Officer's phone and leave a message as to the time the client conference concludes each day. Further, defendants shall be at their residences within 30 minutes after the conclusion of each conference. Court allows further extensions as to time confinement if deemed necessary by counsels but shall call the U.S. Probation Officer.

Court took up matters as to exhibits. Government marked exhibits 10 through 22 and 23 through 28. Defense counsels did not stipulate to exhibits 5, 6, 7, & 8. However, stipulated as to 17, 19, 19A, 24, 25, 26, & 27. Court so ordered. Court deferred exhibits 21 through 23A. Defense stipulated to foundation as to exhibit 28. Defense marked exhibits A through R and T through W. Government stipulated to exhibits A, B, C, R & T. Court ordered them admitted. Government objected to exhibits D & E. Government stipulated to exhibits G, H, I & J. Government objected to exhibits K, L, & M. Defense offered and government objected to exhibits O. Government moved to stipulated to Ex. O if defense counsel stipulated to E. 23 & 23A. Court denied government's motion and admitted exhibit O.

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At 9:30 a.m. all jurors were brought into the courtroom.

GOVERNMENT CONTINUED WITH WITNESS: **CARL CABRERA**. DX. Ref. to Frankie Mafnas. Objections. Court ordered counsels to make a note of it and that the Court will take up the matter at a later time. Ref. to Jess Villagomez and Victor Reyes. Objection as to leading. Overruled. Ex. 12. Government offered Ex. 12; no objections, Court so ordered. Ex. 12. Ex. 14. Government offered Ex. 14; no objections, Court so ordered. Ex. 15, 15A, 15B & 15C. Government offered Ex. 15, 15A, 15B, 15C; defense objected and parties agreed to take up the matter at a later time. Ex. 13 & 13A. Government offered Ex. 13 & 13A; defense objects, Court reserved.

At 10:30 a.m. Court admonished and excused the jurors for a break. Court also excused witness Cabrera for a break. Court took up matters with regards to Ex. 15, 15A, 15B, and 15C. Court ordered that Ex. 15 be admitted and not 15A, 15B and 15C. Counsels argued with regards to Ex. 13 and 13A. After arguments, Court ordered that exhibits 13 & 13A be admitted. Court took up the matter with regards to Frankie Mafnas. After arguments, Court overruled the motions.

All jurors were present and Court resumed at 11:00 a.m.

GOVERNMENT CONTINUED WITH WITNESS: **CARL CABRERA**. DX. Ex. 13 & 13A. Ex. 10. Government offered Ex. 10, no objections, Court so ordered. Ex. 11. Government offered Ex. 11, no objections, Court so ordered. Ref. to Chizuwa case. Ref. to Frankie Mafnas. Objection. Overruled. Ref. to Steven Abal. Objections as to hearsay. Overruled.

At 11:55 p.m. all jurors were admonished and excused for lunch and ordered to return at 1:30pm to resume trial. Witness Cabrera was also excused and ordered to return at 1:30pm.

At 1:30 p.m. all jurors were present. Court resumed.

WITNESS: **CARL CABRERA**. *Attorney Flores began with CX*. Ref. to Ex. 9. Objection. Overruled. Ref. to document regarding meeting with U.S. Attorney. Ref. to Frankie Mafnas. Ref. to testimony to Grand Jury. Attorney Flores conferred with co-counsel Perry Inos. Ref. to being a confidential informant.

At 2:56 pm the Court admonished and excused the jury for a break. Witness was also excused for a break.

At 3:15 pm all jurors were present. Court resumed.

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WITNESS: **CARL CABRERA.** *Attorney Inos began CX. Ref. Ex. 9. Government began RDX at 2:44pm. Ref. Ex. 9. Attorney Flores began RCX. Attorney Inos began RCX.* Court excused witness Cabrera at 4:10 p.m.

GOVERNMENT CALLED WITNESS: **STEVEN FAISAO ABAL.** DX. Ref. to Ex. 17.

At 4:38pm Court admonished and excused the jurors for the day and ordered them to return tomorrow, August 5, 2005 at 9:00 a.m. Court also excused witness Abal and ordered that he be brought back to Court at 9:00 a.m. tomorrow to resume trial.

Court instructed counsels to submit all forms.

Adjourned 4:40 p.m.

A handwritten signature in black ink, appearing to read 'MCM', is written above the printed name of the court deputy.

Michelle C. Macaranas, Court Deputy